

tain corrections in House Bill No. 328.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, February 24, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 46, Inviting Sam Jones, Governor of the State of Louisiana, to address a joint assembly of the House of Representatives and the Texas Senate on Monday at 11 o'clock, or at such time as is suitable to his plans.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, February 24, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 314, "An Act granting the Commissioners Court of Burnet County permission to pay out of the General Fund of said County bounties for the destruction of rattlesnakes and predatory animals; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, February 24, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 375, "An Act validating notices to bidders on certain county projects and notices of intention to issue time warrants in payment thereof in each instance where the maximum amount of the warrants stated in said notice is not more than Sixty Thousand Dollars (\$60,000), and where the first publication of such notice was fourteen (14) or more days prior to the date set for receiving bids, notwithstanding the fact that such notice was not

published for two (2) consecutive weeks; authorizing Commissioners Courts to proceed with the making of contracts pursuant to such notice and to issue time warrants in payment therefor; validating contracts made and time warrants authorized in payment thereof pursuant to such notice and prior to the effective date of this Act; providing that this Act shall not validate any warrants issued as herein described, the validity of which is attacked in any court of competent jurisdiction by suit pending therein at the time or within fifteen (15) days of the time this Act becomes effective; enacting other provisions relating to the subject; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

SENT TO THE GOVERNOR FEBRUARY 24, 1941

House Concurrent Resolution No. 47.

House Concurrent Resolution No. 44.

House Concurrent Resolution No. 46.

House Bill No. 314.

House Bill No. 375.

TWENTY-SEVENTH DAY

(Tuesday, February 25, 1941)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Leonard.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Boone
Allen	Brawner
Allison	Bray
Alsup	Bridgers
Anderson	Brown
Avant	Bruhl
Bailey	Bullock
Baker	Bundy
Bean	Burkett
Bell	Burnaman
Benton	Carlton
Blankenship	Carrington

Cato	Lehman
Celaya	Little
Chambers	Lock
Clark	Love
Cleveland	Lowry
Coker	Lucas
Colson, Mrs.	Lyle
Connelly	McAlister
Craig	McCann
Crossley	McDonald
Crosthwait	McGlasson
Daniel	McLellan
Davis	McMurry
Deen	McNamara
Dickson of Bexar	Manford
Donald	Manning
Dove	Markle
Duckett	Martin
Dwyer	Matthews
Ellis	Mills
Eubank	Montgomery
Evans	Moore
Favors	Morgan
Ferguson	Morris
Files	Morse
Fitzgerald	Murray
Fuchs	Nicholson
Gandy	Pace
Garland	Parker
Gilmer	Pevehouse
Goodman	Phillips
Halsey	Price
Hanna	Rampy
Hardeman	Reed of Bowie
Hargis	Reed of Dallas
Harris of Dallas	Ridgeway
Harris of Hill	Roark
Hartzog	Roberts
Heflin	Rhodes
Helpinstill	Sallas
Henderson	Senterfitt
Hileman	Shell
Hobbs	Simpson
Howard	Skiles
Howington	Smith of Bastrop
Hoyo	Smith of Atascosa
Huddleston	Spacek
Huffman	Spangler
Hughes	Stanford
Humphrey	Stinson
Hutchinson	Stubbs
Isaacks	Taylor
Jones	Turner
Kelly	Vale
Kennedy	Walters
Kersey	Wattner
Kinard	Weatherford
King	White
Klingeman	Whitesides
Knight	Winfree
Lansberry	

Absent—Excused

Dickson of Nolan Thornton
Leyendecker Voigt
Sharpe

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

“Our Heavenly Father, we thank Thee just now for the privilege of prayer, and we acknowledge Thee in all our ways. As we feel the pressure of heavy responsibilities we are perplexed as to right courses. Open our understanding, we pray, and may we rejoice to be workers together with Thee for the good of our people. In Christ’s name. Amen.”

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Voigt for today on motion of Mr. Skiles.

Mr. Sharpe temporarily for today on motion of Mr. Fuchs.

The following Members were granted leaves of absence on account of illness:

Mr. Dickson of Nolan for today on motion of Mr. Pevehouse.

Mr. Leyendecker for today on motion of Mr. Little.

Mr. Martin temporarily for today on motion of Mr. McGlasson.

HOUSE BILLS ON FIRST READING

The following House Bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Bruhl:

H. B. No. 471, A bill to be entitled “An Act repealing House Bill No. 907, Chapter 34, Special Laws, Acts of the 46th Legislature, Regular Session, known as the Road Work Law for Blanco County; and declaring an emergency.”

Referred to the Committee on Counties.

By Mr. Pevehouse:

H. B. No. 472, A bill to be entitled "An Act to raise revenue for the support of the State Government by imposing and providing an occupation tax upon the production of magnesium metal and its alloys of one cent (1¢) per pound; providing for the keeping of reports and for the method of remitting said tax to the Comptroller of Public Accounts and the State Treasurer; providing that one-fourth of the funds derived thereby shall go to the General School Fund, and three-fourths to the General Fund of the State; providing for the expense of the administration of this Act; and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Turner:

H. B. No. 473, A bill to be entitled "An Act to amend Section 6 of Chapter 264, page 440, General Laws, Forty-second Legislature, Regular Session, 1931, as amended by Chapter 425, page 860, General and Special Laws, Forty-fifth Legislature, Regular Session, 1937, so as to exempt Milam County from a closed season in the taking of wild beaver, wild otter or wild fox, or the taking of the pelts thereof, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Hoyo:

H. B. No. 474, A bill to be entitled "An Act providing for the protection of the public health; defining certain terms used in the Act; authorizing the State Health Officer to define and fix the specifications and standards for certain meat and meat food products as defined in the Act; providing that specifications and standards defined and fixed shall be in harmony with the regulations contained and set out in this Act; providing for the adoption by cities of specifications and regulations as a basis for issuing permits under this Act; providing for the issuing of permits by the State Health Officer; authorizing city and county health officers and the State Health Officer to revoke permits and for city and

county health officers to report to the State Health Officer all permits revoked; requiring the State Health Officer to keep records for public inspection of permits issued and revoked; forbidding the unauthorized use of the "Texas State Approved" label on meat and meat food products; forbidding the labeling or advertising of meat and meat products as "Texas State Approved" without a valid permit; exempting retail dealers from the provisions of this Act; authorizing the State Health Officer and his representatives to supervise and regulate the labeling of meat and meat food products and to revoke permits; prohibiting the duplication or reproduction of labels authorized under this Act and the use of any unauthorized label; enabling cities to require all meat and meat products sold within their jurisdiction to be labeled; providing penalties for the violation of this Act; providing that if any portion of the Act be held unconstitutional, inoperative, or invalid, the remainder of the Act shall be unaffected thereby; repealing all laws or parts of laws inconsistent herewith and declaring an emergency."

Referred to the Committee on Public Health.

By Mr. Whitesides:

H. B. No. 475, A bill to be entitled "An Act providing for additional maintenance and bond tax in independent school districts which have heretofore voted bonds and constructed school buildings which have been condemned, and which districts have authorized additional bonds to rebuild said condemned buildings, and which rebuilt buildings are inadequate to the needs of said districts, and where the taxable values of such districts are insufficient to support additional bonds for the purpose of constructing adequate school buildings; and declaring an emergency."

Referred to the Committee on School Districts.

By Mr. Hobbs:

H. B. No. 476, A bill to be entitled "An Act amending Article 1654, Revised Civil Statutes of Texas, 1925,

as amended by Chapter 35, Acts of the Fortieth Legislature, First Called Session, as amended by Chapter 28, Acts of the Forty-first Legislature, First Called Session, as amended by Chapter 15, Acts of the Forty-second Legislature, Second Called Session, by adding thereto a new Section to be known as Article 1645f providing for county auditors in counties containing a population of not less than twenty-five thousand, four hundred and fifty (25,450) nor more than twenty-five thousand, five hundred (25,500) according to the last preceding Federal Census; providing for their compensation and the fund from which it shall be paid; and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Hobbs:

H. B. No. 477, A bill to be entitled "An Act fixing the compensation for County Commissioners in certain counties; providing the manner of payment and prescribing the funds from which it shall be paid; repealing all laws in conflict herewith; and declaring an emergency."

Referred to the Committee on Counties.

By Mr. McDonald, Mr. Skiles, Mr. Kelly, Mr. Halsey, Mr. Stanford, Mr. Carrington, Mr. Cleveland and Mr. Bullock:

H. B. No. 478, A bill to be entitled "An Act to amend Subsection (2) of the General Provisions of Chapter 8, Volume II, Acts of the Forty-sixth Legislature, Regular Session, being an Act fixing appropriations for educational institutions of higher learning for the biennium beginning September 1, 1939, and ending August 31, 1941, by adding a proviso to paragraph 3 of Subsection (2) of the General Provisions of said Appropriation Act, authorizing the governing boards of State educational institutions to make changes and substitutions and transfers of items or parts of items within the totals appropriated for salaries in said Act, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Carrington (by request):

H. B. No. 479, A bill to be entitled "An Act to amend Chapter 40, Section 6, Acts 1929, 41st Legislature, 1st Called Session, same being Article 4860a-6 Vernon's Ann. Stats., so as to permit mutual insurance companies organized or licensed to do business in Texas under the provisions of Chapter 40, Acts 1929, 41st Legislature, 1st Called Session, to write fidelity and surety bonds, providing for the amount of surplus such companies shall possess and providing for deposit of securities in same manner as is required of stock companies doing a similar business; and declaring an emergency."

Referred to the Committee on Insurance.

By Mr. Simpson and Mr. Stubbs:

H. B. No. 480, A bill to be entitled "An Act providing for proof of financial responsibility by owners and operators of motor vehicles in the State of Texas; defining certain words and phrases; prescribing the duties, qualifications, and salary of the Commissioner and vesting him with power to administer the provisions of this Act and providing for court review; setting forth the proof required in the event of certain judgments; providing for the amount of payment required in order for such judgment or judgments to be deemed satisfied; providing that suspension shall be waived upon payment of judgment in installments and permitting certain exceptions; requiring the filing of security or proof of ample insurance to secure payment of any judgment or judgments for damages following an accident and setting a time limit for filing suit; requiring the clerks or judges of the courts to report convictions and judgments; rendering suspension of licenses, registration certificates, and registration plates effective until judgment is satisfied and proof given of financial responsibility, and providing a discharge in bankruptcy shall not relieve the judgment debtor from any of the requirements of this Act; making this Act applicable to nonresidents; permitting owner to

give proof of financial responsibility for chauffeur or member of family and providing for the surrender of such licenses and evidences of registration and making the failure to comply with this requirement a misdemeanor; setting forth the amount of proof required and the alternate methods of giving such proof; requiring the filing of a written certificate as evidence of a motor vehicle policy, defining motor vehicle policy, and setting forth certain requirements and restrictions upon such policy; providing this Act shall not affect other policies; requiring the filing of a bond as proof of financial responsibility and setting forth certain requirements and exceptions in regard to filing of such bond; permitting money or securities deposited to be used as proof of financial responsibility; providing for transfer after suspension of registration; permitting a person having given proof to substitute other proof and providing if proof fails the Commissioner may require other proof; permitting the Commissioner to release proof of financial responsibility or waive requirement of such proof, subject to requirements and restrictions herein named; requiring the Commissioner to furnish operating record of any person upon request, setting a fee for such service, and prohibiting the use of such record as evidence in any action for damages or criminal proceeding arising out of a motor vehicle accident; providing penalties for violations; providing this Act shall not repeal other motor vehicle laws and shall be interpreted and construed to make uniform the law of those States which enact it; providing a title for this Act; making certain exceptions; providing a saving clause; and providing effective date of this Act."

Referred to the Committee on State Affairs.

By Mr. McGlasson, Mr. McNamara, Mr. Stanford, Mr. Lyle, Mr. Lansberry and Mr. Morris:

H. B. No. 481, A bill to be entitled "An Act to require applicants for registration of vehicles subject to registration by law to present to the County Tax Collector to whom ap-

plication for registration is made, a statement showing the county school district, city or town, and other taxing districts by which such vehicles were taxable for the preceding year, and to exhibit to such Tax Collector receipts or certificates showing payment of all State, county, city or town school district and other taxing district ad valorem taxes for such preceding year, for which such vehicle was taxable; making it unlawful for the Highway Department or any Tax Collector to issue or cause to be issued registration receipt or license plate, providing for a penalty for any violation of any provision of this Act, or for any applicant to receive the same without compliance with the provisions of this Act; and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Hardeman:

H. B. No. 482, A bill to be entitled "An Act validating certain bonds heretofore authorized to be issued under the authority of Chapter 83 of the Acts of the First Called Session of the Forty-first Legislature in reference to acquisition of lands by cities and counties for airport purposes, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Fuchs and Mr. Lehman:

H. B. No. 483, A bill to be entitled "An Act prohibiting the taking, trapping, or killing of raccoons and mink in the Counties of Guadalupe, Washington, Lee and Burleson for a period of three (3) years; providing a penalty therefor, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Carrington and Mr. Simpson:

H. B. No. 484, A bill to be entitled "An Act to amend Article 3722 of Title 55 of the Revised Civil Statutes of the State of Texas, 1925, by adding a new subsection to be known as Article 3722(a) and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Lock and Mr. Ferguson:

H. B. No. 485, A bill to be entitled "An Act appropriating Eight Million, One Hundred Thirty-four Thousand, Twenty-five Dollars (\$8,134,025.00) per year, or so much thereof as may be necessary, for the biennium beginning September 1, 1941, and ending August 31, 1943, for the purpose of promoting public school interest and equalizing the educational opportunities afforded by the State to all children of scholastic age within the State; providing for the allotment and expenditure by the State Superintendent of Public Instruction of such funds under the direction of a Joint Legislative Advisory Committee; providing for the transfer of unexpended balances for the year ending August 31, 1942, to the appropriation for the year ending August 31, 1943, attaching conditions, regulations, and limitations relative to the expenditure of such appropriations; providing that schools with certain scholastic population, schools with certain consolidations and schools within certain defined areas may be eligible for aid under the terms of this Act under certain limitations; providing that schools within two and one-half ($2\frac{1}{2}$) miles of each other should not receive aid; providing for a teacher-pupil load for schools receiving aid under the provisions of this Act; providing for average daily attendance for schools receiving aid under the provisions of this Act; providing for certain tax levies for schools receiving aid under the provisions of this Act; providing certain salary schedules as set out by the terms of this Act; providing for length of terms of schools receiving aid under the provisions of this Act; providing the method and manner of paying high school tuition and that same shall be paid according to the provisions of House Bill No. 158, General Laws of the Regular Session, Forty-fourth Legislature, as amended; providing a method of paying high school tuition for high school students transferred from Waco State Home and the school district in which the State Training

School for Boys is located; making special provision for school districts containing National Forests or University lands; exemption school attended by Alabama Indians in Polk County from tax provisions; providing for a system of transportation aid in Texas and the method and manner of paying for same; providing for the administrative costs of administering this Act and making certain allocations therefor; providing for the powers of the State Superintendent of Public Instruction and the Joint Legislative Advisory Committee relating to the administration of this Act; providing the method and manner of making application for aid and declaring that all applications so made shall be paid only on the basis of budgetary need shown therefor; defining sparsely settled districts; providing the method and manner of disbursing the allocations herein made; providing for certain miscellaneous provisions; providing the method and manner of reducing applications for aid; granting the Joint Legislative Advisory Committee certain other powers and duties; providing for the method and manner of paying certain exceptions to the General Law granting salaries, tuition or transportation aid; providing for the method and manner of payment for such services; providing for the payment of such services; providing for the payment of the actual necessary expenses of the Committee created herein and that same shall be paid out of the contingent expense of the Forty-seventh Legislature; repealing all laws or parts of laws in conflict herewith; providing for a saving clause, and declaring an emergency."

Referred to the Committee on Appropriations.

HOUSE JOINT RESOLUTIONS ON FIRST READING

The following House joint resolutions were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Celaya:

H. J. R. No. 20, Proposing that the Constitution of the State of Texas be amended by adding a new

section to Article 16, to be known as Section 30b, relating to all elective, State, district, county and precinct officers of the State of Texas, providing for an election on the question of adoption or rejection of said amendment and making an appropriation therefor.

Referred to the Committee on Constitutional Amendments.

By Mr. McGlasson, Mr. Hughes, Mr. McNamara, Mr. Davis, Mr. Hardeman, Mr. Sallas and Mr. McMurry:

H. J. R. No. 21, Proposing an amendment to the Constitution of the State of Texas providing for a Supreme Court of nine members, and for continuous session of that Court.

Referred to the Committee on Constitutional Amendments.

COMMUNICATION

The Speaker laid before the House and had read the following communication:

Pleasanton, Texas.
Feb. 20th, 1941.

Rep. Magus Smith,
Austin, Texas.

Dear Magus: Mrs. Elizabeth Urrutia, and Mr. J. Otis Jones, daughter and son of the late Walter E. Jones, join me in asking you to express to the House our deep appreciation for the beautiful Resolutions of Respect.

Sincerely,

MRS. WALTER E. JONES.

BILL ORDERED PRINTED ON MINORITY REPORT

Mr. Daniel moved that House Bill No. 136, reported adversely with a minority favorable report, be printed.

Question recurring on the motion by Mr. Daniel yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—59

Allen	Bridgers
Anderson	Brown
Bean	Bruhl
Bell	Bullock

22—Jour.

Burnaman	Lucas
Carlton	McAlister
Carrington	McCann
Clark	McDonald
Daniel	McLellan
Dickson of Bexar	Manning
Donald	Matthews
Dove	Montgomery
Duckett	Moore
Dwyer	Nicholson
Ferguson	Pevehouse
Files	Reed of Dallas
Fuchs	Ridgeway
Hargis	Roark
Helpinstill	Roberts
Hoyo	Rhodes
Huddleston	Sallas
Hughes	Senterfitt
Hutchinson	Spacek
Isaacks	Stanford
Jones	Thornton
Kennedy	Turner
Kinard	Vale
Lehman	Whitesides
Lock	Winfree
Lowry	

Nays—50

Allison	Klingeman
Alsop	Knight
Bailey	Lansberry
Baker	Little
Cato	Love
Cleveland	Lyle
Craig	McGlasson
Davis	McNamara
Ellis	Markle
Fitzgerald	Mills
Gandy	Morris
Garland	Morse
Goodman	Murray
Halsey	Pace
Hanna	Parker
Harris of Dallas	Phillips
Harris of Hill	Price
Heflin	Rampy
Henderson	Simpson
Hileman	Skiles
Hobbs	Smith of Atascosa
Howard	Stinson
Howington	Stubbs
Kelly	Walters
King	Weatherford

Present—Not Voting

Avant	Connelly
Blankenship	Reed of Bowie

Absent

Benton	Brawner
Boone	Bray

Bundy	Hartzog
Burkett	Huffman
Celaya	Humphrey
Chambers	Kersey
Coker	McMurry
Colson, Mrs.	Manford
Crossley	Martin
Crosthwait	Morgan
Deen	Shell
Eubank	Smith of Bastrop
Evans	Spangler
Favors	Taylor
Gilmer	Wattner
Hardeman	White

Absent—Excused

Dickson of Nolan	Sharpe
Leyendecker	Voigt

Mr. Nicholson moved to reconsider the vote by which the motion that House Bill No. 136 be printed on minority report prevailed and to table the motion to reconsider.

The motion to table prevailed.

MOTION TO REREFER

Mr. Morris moved that House Bill No. 296 be withdrawn from the Committee on Highways and Motor Traffic and referred to the Committee on Counties.

The motion was lost.

REQUEST OF SENATE GRANTED

On motion of Mr. Taylor, the House granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 91.

In accordance with the above action, the Speaker announced the appointment of the following Conference Committee on Senate Bill No. 91:

Mr. Taylor, Mr. Fitzgerald, Mr. Hartzog, Mr. Goodman and Miss Files.

ADOPTION OF CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 91

Mr. Taylor submitted the following Conference Committee report on Senate Bill No. 91:

Austin, Texas, Feb. 24, 1941.

Hon. Coke R. Stevenson, President of the Senate; and

Hon. Homer Leonard, Speaker of the House.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 91, have had the same under consideration and we recommend to the Senate and to the House of Representatives that Senate Bill No. 91 be not passed, and in lieu thereof the Conference Committee Substitute pass in the form attached hereto.

Respectfully submitted,
SPEARS,
GRAVES,
AIKIN,
STONE,
WEINERT,

On the part of the Senate.

TAYLOR,
FITZGERALD,
HARTZOG,
GOODMAN,
FILES,

On the part of the House.

S. B. No. 91.

A BILL

To Be Entitled

An Act to declare and recognize for certain tax purposes post, camp or unit exchanges established and operated within the State of Texas, by or in conjunction with the United States Military, Naval, or Marine Forces, instrumentalities and agencies of the United States; providing that taxes on sale of cigarettes shall not apply to sales to or by such post, camp or unit exchanges where made to officers, soldiers, sailors, nurses, and marines, in the Army, Navy, or Marine Corps of the United States; providing at what places, and under what conditions sales may be made to officers, soldiers, sailors, nurses, and marines of the United States; prohibiting removal of cigarettes from Federal reservation or the resale and distribution of cigarettes purchased from exchanges in amounts of forty (40) cigarettes or more, which were originally procured from camp, unit or post exchanges; prohibiting the purchase of such cigarettes in violation of this Act; making possession of more than forty (40) cigarettes by persons named in this Act prima facie violation;

providing a penalty for violation of this Act by making it a misdemeanor, and declaring each violation to be a separate offense; providing a "savings clause" to the effect that if any provision of this Act shall be held invalid or unconstitutional the other provisions shall not be affected and declaring an emergency and for other purposes.

Be It Enacted By the Legislature of the State of Texas:

Section 1. Post, Camp, or Unit Exchanges established and operated within the State of Texas, by or in conjunction with the United States Military, Naval or Marine forces, on Military, Naval or Marine Posts, Camps, Stations or Reservations, including any locality within this State where a cantonment camp is located and erected, where officers, soldiers, sailors, nurses, or marines of the United States Army, Navy or Marine Corps are being trained, are hereby declared to be, and are recognized for such tax purposes as are hereinafter set out to be instrumentalities and agencies of the United States Government.

Sec. 2. It is further provided that the provisions of this law shall extend to and apply to any authorized branches of a post, camp or unit exchange which may be established for the exclusive benefit of the officers, soldiers, sailors, nurses or marines in the Army, Navy or Marine Corps of the United States at any time that said officers, soldiers, sailors, nurses or marines shall be on authorized military maneuvers. It being the express intent of the Legislature by this Act to allow soldiers, sailors, nurses and marines in the Army, Navy and Marine Corps of the United States, to purchase cigarettes, from the camp, unit, or post exchange without paying the State stamp tax thereon. It is also expressly provided that this law shall not be construed as authorizing any person or persons whatsoever, other than those persons authorized by Federal Law and Army, Navy or Marine Corps regulations to purchase cigarettes from a camp, unit, or post exchange, or on authorized military maneuvers without paying the State stamp tax as provided by law thereon.

Sec. 3. It is further provided that no officers, soldiers, sailors, nurses or marines, in the Army, Navy, or Marine Corps of the United States shall remove from the confines of any military or naval post or reservation cigarettes in quantities of more than forty (40) cigarettes or shall resell or distribute to any person, persons, firm or corporation any cigarettes in quantities of more than forty (40) cigarettes which have been purchased from a camp, post, or unit exchange under the provisions of this Act. Any person, firm, or corporation who knowingly removes from such reservations any cigarettes or purchases or receives any cigarettes in violation of this provision shall be subject to the penalties provided in this law. The possession of more than forty (40) cigarettes by any of the foregoing named persons without the State tax stamp affixed thereto at any place in Texas other than a military or naval post or reservation shall be a violation of this Act and shall be prima facie evidence that such cigarettes are possessed for the purpose of a sale in Texas without the State tax stamp affixed.

Sec. 4. It is further recognized, declared and provided that the provisions of Section 2, Chapter 241, Acts of the Regular Session of the 44th Legislature, with amendments, relating to "first sale" of cigarettes does not apply to sales by such post, camp or unit exchanges under the conditions specified in the preceding sections of this law or to sales in accordance with such specified conditions to such post, camp or unit exchanges by a licensed cigarette distributor in Texas.

Sec. 5. Any person, firm, or corporation violating any of the provisions of this Act shall be guilty of a misdemeanor and shall be punished by fine of not less than One Hundred Dollars (\$100.00), or thirty (30) days in jail, nor more than Five Hundred Dollars (\$500.00), or six (6) months in jail, or by both such fine and imprisonment. Each violation of any of the provisions of this Act shall be considered a separate offense.

Sec. 6. If any section, sentence, clause, or part of this Act is for any reason held to be unconstitutional,

such decision shall not affect the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act and each section, sentence, clause, and part thereof despite the fact that one or more sections, sentences, clauses, or parts thereof be declared unconstitutional.

Sec. 7. The fact that the present increase in the number of the various armed components is continuing within the State at such a rapid rate, and the matter of the determination of such taxation requirements is constantly arising, and the levy of taxes on such exchanges imposes an unjust hardship upon the individual soldier now in the service of his country, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three separate days in each House be suspended, and that the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

On motion of Mr. Taylor, the report was adopted by the following vote:

Yeas—126

Allen	Crosthwait
Allison	Daniel
Alsup	Dickson of Bexar
Avant	Donald
Bailey	Duckett
Baker	Dwyer
Bean	Ellis
Bell	Eubank
Benton	Favors
Blankenship	Ferguson
Boone	Files
Brawner	Fitzgerald
Bridgers	Fuchs
Brown	Gandy
Bullock	Garland
Bundy	Goodman
Burnaman	Halsey
Carlton	Hanna
Carrington	Hargis
Cato	Harris of Dallas
Chambers	Hartzog
Clark	Heflin
Cleveland	Helpinstill
Coker	Henderson
Colson, Mrs.	Hileman
Connelly	Hobbs
Craig	Howington
Crossley	Hoyo

Huddleston
Hughes
Hutchinson
Isaacks
Jones
Kelly
Kennedy
Kersey
Kinard
King
Knight
Lansberry
Lehman
Little
Lock
Love
Lucas
Lyle
McAlister
McCann
McDonald
McGlasson
McLellan
McMurry
McNamara
Manford
Manning
Markle
Martin
Matthews
Mills
Montgomery
Moore
Morgan
Morris

Morse
Murray
Pace
Parker
Pevehouse
Phillips
Price
Rampy
Reed of Bowie
Reed of Dallas
Ridgeway
Roark
Roberts
Rhodes
Sallas
Senterfitt
Shell
Simpson
Skiles
Smith of Bastrop
Smith of Atascosa
Spacek
Stanford
Stinson
Stubbs
Taylor
Thornton
Turner
Vale
Walters
Wattner
Weatherford
White
Whitesides
Winfree

Absent

Anderson	Hardeman
Bray	Harris of Hill
Bruhl	Howard
Burkett	Huffman
Celaya	Humphrey
Davis	Klingeman
Deen	Lowry
Dove	Nicholson
Evans	Spangler
Gilmer	

Absent—Excused

Dickson of Nolan	Sharpe
Leyendecker	Voigt

RELATIVE TO SALARY OF SUPERVISOR OF COMMITTEE CLERKS

Mr. Blankenship offered the following resolution:

H. S. R. No. 128, Relative to Salary of Supervisor of Committee Clerks.

Be it resolved by the House of Representatives, That compensation of the Supervisor of Committee Clerks be fixed at the same rate per day as the Assistant Doorkeeper and other supervisors in the House during the Forty-seventh Session of the Texas Legislature.

BLANKENSHIP,
HARTZOG.

The resolution was read second time and was adopted.

RELATIVE TO STATE-OWNED PRINTING SHOPS

Mr. Reed of Dallas offered the following resolution:

H. S. R. No. 129, Relative to State-Owned Printing Shops.

Providing for a certain investigation in regard to State-owned printing shops.

Whereas, There are a number of State-owned printing shops located in various State institutions; and

Whereas, These shops purchase a great quantity of paper stock and printing materials; and

Whereas, It is rumored that there is unnecessary waste in the purchasing of these commodities, and that this waste can be eliminated; now, therefore, be it

Resolved, by the House of Representatives, That the Speaker of the House be instructed to appoint a committee of three House Members for immediate investigation of the matters hereinabove referred to, and that said committee be instructed to forthwith proceed with a complete and full investigation of the conduct and management of all State printing shops, with particular regard to the purchase of paper stock and printing materials; that said committee be empowered to subpoena witnesses, to procure written and factual evidence, and to command the bringing before it of such records as it may deem fit and proper; and that said committee, in addition to conducting said inquiry, shall be directed to report back to the House of Representatives, by not later than May 1, 1941, and to recommend proper legislative action by which any defects in the present conduct and management of State printing shops, with particular re-

gard to the purchase of paper stocks and printing materials, can be corrected; and be it further

Resolved, That necessary expenses incurred by said committee, in an amount not to exceed Five Hundred Dollars (\$500.00), shall be paid from the contingent fund of the House, upon order of the Chairman of the Committee, by the Comptroller of the State, through warrants issued upon the State Treasurer.

The resolution was read second time.

On motion of Mr. Kersey, the resolution was referred to the Committee on Appropriations.

RELATIVE TO INSTRUCTING COMMITTEE ON AP- PROPRIATIONS

Mr. Dwyer offered the following resolution:

H. S. R. No. 130, Motion to Instruct Committee on Appropriations.

Whereas, Governor W. Lee O'Daniel has submitted to the Legislature of Texas, as an emergency matter, a bill making an appropriation of \$26,820,000 for the additional financing of our Social Security program; and

Whereas, It is common knowledge that the phase of our program providing for Old Age Assistance is inadequately financed; and

Whereas, No financial provision has been made for the care of the needy blind, and dependent children, and teacher's retirement; and

Whereas, Such delay could cause much unnecessary hardship and suffering to our good aged citizens, needy blind and dependent children, and teacher's retirement; and

Whereas, It is believed that an overwhelming majority of the citizenship of Texas are whole-heartedly in favor of this Legislature adequately financing our entire Social Security program, and cooperating with our Governor toward that end; now, therefore, be it

Resolved, That the House instruct its Appropriations Committee to make a report on House Bill No. 322 not later than Thursday, February 27, in order that the bill may receive early consideration by our entire body.

The resolution was read second time.

Mr. McAlister moved that the resolution be referred to the Committee on State Affairs.

Mr. Lucas moved to table the motion to refer.

Question referring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—64

Anderson	Kennedy
Bailey	Kersey
Baker	King
Benton	Knight
Brawner	Lehman
Bridgers	Lock
Bruhl	Love
Bullock	Lowry
Burkett	Lucas
Carlton	McCann
Carrington	McLellan
Chambers	McMurry
Connelly	Matthews
Craig	Mills
Davis	Murray
Dickson of Bexar	Pace
Donald	Parker
Dove	Pevehouse
Duckett	Rampy
Dwyer	Reed of Bowie
Ellis	Ridgeway
Evans	Roark
Favors	Sallas
Ferguson	Senterfitt
Gandy	Smith of Bastrop
Garland	Spacek
Hargis	Stubbs
Henderson	Thornton
Hobbs	Walters
Hoyo	White
Huddleston	Whitesides
Hutchinson	Winfree

Nays—72

Allen	Cato
Allison	Celaya
Alsup	Clark
Avant	Cleveland
Bean	Coker
Bell	Colson, Mrs.
Blankenship	Crossley
Boone	Crothwait
Bray	Eubank
Brown	Files
Bundy	Fitzgerald

Fuchs	Manning
Gilmer	Markle
Goodman	Martin
Halsey	Montgomery
Hanna	Moore
Hardeman	Morgan
Harris of Dallas	Morris
Harris of Hill	Morse
Heflin	Nicholson
Helpinstill	Phillips
Hileman	Reed of Dallas
Howard	Roberts
Howington	Rhodes
Huffman	Shell
Hughes	Simpson
Humphrey	Skiles
Isaacks	Smith of Atascosa
Jones	Spangler
Kelly	Stanford
Kinard	Stinson
Lansberry	Taylor
Little	Turner
Lyle	Vale
McAlister	Wattner
McGlasson	Weatherford

Absent

Burnaman	McDonald
Daniel	McNamara
Deen	Manford
Hartzog	Price
Klingeman	

Absent—Excused

Dickson of Nolan	Sharpe
Leyendecker	Voigt

Question then recurring on the motion to refer the resolution to the Committee on State Affairs, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—76

Allen	Clark
Allison	Cleveland
Alsup	Colson, Mrs.
Avant	Crothwait
Bean	Ellis
Bell	Eubank
Benton	Files
Blankenship	Fitzgerald
Boone	Fuchs
Bray	Gilmer
Brown	Goodman
Bruhl	Halsey
Bundy	Hanna
Burkett	Hardeman
Carlton	Hargis
Cato	Harris of Dallas
Celaya	Harris of Hill

Hartzog	Morgan
Heflin	Morris
Helpinstill	Morse
Hileman	Nicholson
Howington	Phillips
Huffman	Price
Hughes	Reed of Dallas
Humphrey	Roberts
Isaacks	Rhodes
Kelly	Shell
Kinard	Simpson
Lansberry	Skiles
Little	Smith of Atascosa
Lyle	Spangler
McAlister	Stanford
McDonald	Stinson
McGlasson	Taylor
McNamara	Turner
Manning	Vale
Markle	Wattner
Montgomery	Weatherford

Nays—60

Anderson	Lehman
Bailey	Lock
Baker	Love
Brawner	Lowry
Bridgers	Lucas
Carrington	McCann
Chambers	McLellan
Connelly	McMurry
Craig	Martin
Crossley	Matthews
Daniel	Mills
Davis	Moore
Dickson of Bexar	Murray
Dove	Pace
Duckett	Parker
Dwyer	Pevehouse
Evans	Rampy
Favors	Reed of Bowie
Ferguson	Ridgeway
Garland	Roark
Henderson	Sallas
Hobbs	Senterfitt
Hoyo	Smith of Bastrop
Huddleston	Spacek
Hutchinson	Stubbs
Jones	Thornton
Kennedy	Walters
Kersey	White
King	Whitesides
Knight	Winfree

Present—Not Voting

Gandy	Howard
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Absent

Bullock	Donald
Burnaman	Klingeman
Coker	Manford
Deen	

Absent—Excused

Dickson of Nolan	Sharpe
Leyendecker	Voigt

RELATIVE TO SAN JACINTO
MEMORIAL TOWER

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 18, Relative to Care, Custody and Control of the San Jacinto Memorial Tower.

Whereas, The San Jacinto Museum of History Association, an organization of patriotic Texans, under contract with the Board of Control, entered into pursuant to Concurrent Resolution No. 21 of the 46th Legislature, has had the care, custody and control of the San Jacinto Memorial Monument and Tower on the San Jacinto Battlefield since the Memorial Tower was opened generally to the public on April 21, 1939, has maintained and operated the same, and the elevator therein, and the Museum in the base thereof, with funds raised by public subscription, making a small charge for the use of the elevator and the sale of souvenirs in and about said Memorial Tower, all without cost or expense to the State of Texas; and

Whereas, The Historical Museum maintained in the Museum rooms in the base of the Memorial Tower is of great educational value, and has attracted the most favorable State, National and international approval and interest, giving life and vitality to the building and attracting persons who would not otherwise visit the Memorial Tower and grounds, thereby increasing the revenue from the operation of the elevator and the sale of souvenirs; and

Whereas, During the short period of its operation the Museum has accumulated approximately 50,000 accession items of historical value, some exceedingly rare and of great monetary value, acquired by individuals at great expense and donated to the Museum; and the Museum, on account of the permanency of the building and the historical event it commemorates, from time to time is being made the recipient of valuable historical records by old families of Texas, who have selected the Mu-

seum as the repository of such records, in order that they may be preserved for posterity; and

Whereas, Such historical materials should be continuously sought after, received, catalogued, filed and properly arranged and preserved for the purposes of historical research and study, and at the same time exhibited and displayed to the public and made of public use and benefit in the portrayal and revisualization of our history, all of which requires museum cases and facilities adapted to the architecture of the building and the purposes for which it is used; and

Whereas, The trustees of said Museum of History Association, by public subscription, raised some \$38,560.01, approximately \$25,000.00 of which has been expended for museum cases, furniture and fixtures for the Museum, and the greater part of the balance thereof for the operation of the Museum, and the Museum is now greatly in need of additional museum cases, fixtures and facilities, as well as additional depository space and display rooms, and such space and rooms for the growth and development of the Museum may be had by the use and improvement of the unused space and unfinished rooms in the basement and in the shaft of the tower of the building; and

Whereas, Since the operation and maintenance of the San Jacinto Memorial Tower and the Museum therein are so correlated and of such importance to the State that they should be considered as one project, and all revenues derived from the operation of the elevator in the tower and the sale of souvenirs in and about the building should be used for the maintenance of the building, and the operation thereof, and the Museum therein, and in the expansion, improvement and development thereof; now, therefore, be it

Resolved, by the Senate and House of Representatives concurring, That the State Board of Control be authorized to enter into a contract with the San Jacinto Museum of History Association, whereby the care, custody and control of the San Jacinto Memorial Tower will be given to and continue in the San

Jacinto Museum of History Association until otherwise provided by the Legislature, to be maintained in good order by said Association without charge to the State of Texas, and requiring the Association to make no charge to the public for entering said building or Museum; and be it further

Resolved, That said contract shall provide that the San Jacinto Museum of History Association, subject to the approval of the Board of Control, shall have authority to sell souvenirs and operate a concession in and about said building and to make a reasonable charge, approved by the Board of Control, for the use of the elevator to the observation floor of the Memorial Tower; and that the moneys heretofore and hereafter so collected shall be used exclusively by the San Jacinto Museum of History Association, under and subject to the approval of the Board of Control, for the maintenance, upkeep, repair and improvement of the San Jacinto Memorial Building and Tower, and for the operation thereof and the elevator therein, and for the maintenance, upkeep, operation, improvement and expansion of the Historical Museum therein, and the acquisition, care, maintenance, preservation and exhibition of historical materials, and the procurement of the necessary equipment, museum cases, cabinets, files and other facilities useful and necessary in the conduct, maintenance and operation of a Historical Museum of the first class, and for the payment of salaries of the director, archivist, receptionist, engineers, elevator operators, janitors and watchmen, and other services of employees necessary for the conduct, maintenance and operation of the said San Jacinto Memorial Monument and Museum; and such funds may be likewise used, when approved by the Board of Control, in the furtherance in part of any project for the improvement of the San Jacinto State Park that is being made under the authority of the San Jacinto State Park Commission, under the sole direction and control of the State Park Commission, or in conjunction with any other agency of the State or Federal Government; and be it further

Resolved, That said contract shall provide that the San Jacinto Museum of History Association shall submit to the State Board of Control, for its examination and approval or disapproval, a detailed monthly report of all collections and expenditures made of such funds, and shall have its books of account audited annually by the State Auditor; and in addition, such books shall further be audited annually by a competent and disinterested certified public accountant, as the Board of Control shall so direct, and the result of such examination and audit submitted to the Board of Control.

The resolution was read second time and was adopted.

RELATIVE TO EXTENDING PRIVILEGES OF THE FLOOR

Mr. Manning offered the following resolution:

H. S. R. No. 131, Relative to Extending Privilege of the Floor.

Whereas, The House Members have not been favored with the presentation of a good college band at the present date; and

Whereas, "Music hath a charm to soothe the savage breast", and Sam Houston State Teachers College, at Huntsville, Texas, has an excellent band, under the able guidance of Clinton R. Hackney;

Therefore, be it resolved by the House of Representatives of the 47th Legislature, That the Sam Houston State Teachers College Band of Huntsville, Texas, be invited to render a short concert of popular college fight songs on the floor of the House on Monday, March 10th, 1941, at 11 a. m.

MANNING,
KELLY,
KNIGHT.

The resolution was read second time.

(Mr. Taylor in the Chair.)

On motion of Mr. Alsup, the resolution was tabled.

MESSAGE FROM THE SENATE

Austin, Texas, Feb. 25, 1941.

Hon. Homer Leonard, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee report on S. B. No. 91 by the following vote: Yeas, 30; nays, 0.

Adopted

H. C. R. No. 48, Giving Enrolling Clerk authority to make insertion in H. B. No. 266.

H. C. R. No. 43, Authorizing State Highway Department to loan to School Board of Nocona Independent School District guard rails.

Respectfully,

BOB BARKER,
Secretary of the Senate.

HOUSE JOINT RESOLUTION NO. 2 ON SECOND READING

The Chair laid before the House, on its second reading,

H. J. R. No. 2, Proposing an amendment to Section 9 of Article 8 of the Constitution of the State of Texas, by providing that counties may levy, assess and collect such taxes as may be authorized by law but not to exceed eighty cents on the one hundred dollars valuation in any one year; providing such limitation shall not apply to payment of county debts incurred prior to January 1, 1941; providing that, except as otherwise provided in the Constitution, no county shall hereafter become indebted for any purpose to an amount, including existing indebtedness, payable from taxes authorized by said section, in the aggregate exceeding five per centum on the value of taxable property therein, to be ascertained by the last assessment for State and county taxes, previous to the incurring of such indebtedness; providing that this section shall not be construed as a limitation on powers delegated to counties by any other section of this Constitution; fixing the time for the election for the adoption or rejection of said proposed constitutional amendment; making certain provisions for said election and ballots thereof, and the method thereof; directing the issuance of proclamation therefor; prescribing certain duties of the Governor of the State of Texas; and making an appropriation to defray the expenses of said election.

The resolution was read second time.

Question: Shall H. J. R. No. 2 be passed?

HOUSE BILL NO. 20 ON SECOND READING

The Chair laid before the House, as Special Order for this hour, on its second reading and passage to engrossment,

H. B. No. 20, A bill to be entitled "An Act providing for licensing of operators, commercial operators and chauffeurs; defining certain terms, providing for certain exemptions; prohibiting issuance of licenses to certain persons; making it unlawful for certain persons to operate a school bus or any motor vehicle while in use as a public or common carrier of persons; providing for application for operators', commercial operators' and chauffeurs' licenses; providing for signing of application of minors and cancellation of minors' license upon application, and/or death of signatory; providing for examinations of applicants for operators', commercial operators' and chauffeurs' licenses; providing for the issuance of operators', commercial operators' and chauffeurs' licenses, and duplicates thereof; etc.; and declaring an emergency."

The bill was read second time.

Mr. Kersey offered the following committee amendment to the bill:

Proposing an amendment to paragraph 4, Section 25, Article IV, to read as follows:

(4) Upon three convictions of violating any of the provisions of the laws of this State growing out of three separate arrests and transactions, relating to the operation of motor vehicles on a public highway, committed within a period of twelve consecutive months, except those laws relating to the gross weight of commercial motor vehicles, truck-tractors, trailers and semi-trailers.

HARRIS of Dallas.

The committee amendment was adopted.

Mr. Carrington offered the following committee amendment to the bill:

Article 5, Section 4, to be added.

Provided however, any interested party may secure from the Department a copy of accident reports upon payment of \$1.00, payable to the Department of Safety.

On motion of Mr. McAlister, the amendment by Mr. Carrington was tabled.

Mr. Reed of Dallas offered the following committee amendment to the bill:

Amend Article II, Section 4, subsection 1, by adding a period after the word "years" in line one and striking out the balance of the sentence down to the last semi-colon of the section.

The committee amendment was adopted.

Mr. Kersey offered the following amendment to the bill:

An amendment to Section 23 (a), Article IV, to read as follows:

Article IV

Cancellation, Suspension and Revocation of Licenses

Section 23. Authority of Department to suspend or revoke a license.

(a) When under Section 10 (a) of this Act the Director believes the licensee to be incapable of safely operating a motor vehicle, the Director may notify said licensee of such fact and summons him to appear for hearing as provided hereinafter. Such hearing shall be had not less than ten (10) days after notification to the licensee or operator under any of the provisions of this section, and upon charges in writing a copy of which shall be given to said operator or licensee not less than ten (10) days before said hearing. For the purpose of hearing such cases jurisdiction is vested in the mayor of the city, or Judge of the police court, or a justice of the peace in the county or sub-division thereof where the operator or licensee resides. Such court may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relative books and papers. It shall be the duty of the court to set the matter for hearing upon ten (10) days written notice to the Department. Upon

such hearing, in the event of an affirmative finding by the court, the officer who presides at such hearing shall report the same to the Department which shall have authority to suspend said license for a period not greater than one year, provided, however, that in the event of conviction the licensee may appeal to the county court of the county wherein the hearing was held, said appeal to be tried de novo. Notice by registered mail to address shown on the license of licensee shall constitute service for the purpose of this section.

The amendment was adopted.

Mr. Kersey offered the following amendment to the bill:

Proposing an amendment to Section 15, Article III, to read as follows:

Section 15. Disposition of fees.

All fees and charges required by this Act and collected by any officer or agent of the Department shall be remitted without deduction on Monday of each week to the Department at Austin, Texas, and all such fees so collected shall be deposited in the State Treasury in a fund to be known as the "Operator's and Chauffeur's License Fund." Such funds as may be necessary for the purpose of defraying the expenses of this Act through the biennium ending August 31, 1943, including the employment of necessary clerical and administrative help and defraying the necessary expenses incident to any judicial hearing relative to the suspension or revocation of licenses, and including printing and transportation of all necessary forms and licenses hereinbefore provided, and including the purchase through bids taken by the Board of Control of all necessary furniture, fixtures and equipment of any nature, shall be provided by the Legislature through appropriation therefor.

The amendment was adopted.

Mr. Kennedy offered the following amendment to the bill:

Amend H. B. No. 20, Art. III, Sec. 20 (a), line 14, page 11, by striking out the words "One (\$1.00) Dollar" and substituting therefor the words "Fifty (50¢) Cents."

(Speaker in the Chair.)

Mr. Kersey moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—74

Allison	Hughes
Alsup	Humphrey
Anderson	Isaacks
Avant	Jones
Bean	Kersey
Bell	Lansberry
Boone	Little
Bray	Lowry
Bridgers	Lyle
Brown	McAlister
Bullock	McCann
Burnaman	McLellan
Carlton	Manford
Carrington	Manning
Cato	Montgomery
Clark	Morgan
Cleveland	Morse
Coker	Phillips
Craig	Price
Crosthwait	Reed of Dallas
Dickson of Bexar	Ridgeway
Dove	Roark
Dwyer	Sallas
Ellis	Senterfitt
Eubank	Shell
Evans	Skiles
Ferguson	Smith of Bastrop
Files	Smith of Atascosa
Fitzgerald	Spangler
Gandy	Stanford
Gilmer	Stinson
Halsey	Thornton
Hanna	Turner
Hardeman	Walters
Harris of Dallas	Wattner
Heflin	Weatherford
Hoyo	Winfree

Nays—64

Allen	Connelly
Bailey	Crossley
Baker	Daniel
Benton	Davis
Brawner	Donald
Bruhl	Duckett
Bundy	Favors
Burkett	Fuchs
Celaya	Garland
Chambers	Goodman

Hargis	McGlasson
Harris of Hill	McMurry
Hartzog	McNamara
Helpinstill	Markle
Henderson	Matthews
Hileman	Mills
Hobbs	Moore
Howard	Morris
Howington	Murray
Huddleston	Pace
Huffman	Parker
Hutchinson	Pevehouse
Kelly	Rampy
Kennedy	Reed of Bowie
Kinard	Roberts
King	Rhodes
Knight	Simpson
Lehman	Spacek
Lock	Stubbs
Love	Taylor
Lucas	Vale
McDonald	Whitesides

Absent

Blankenship	Klingeman
Colson, Mrs.	Nicholson
Deen	White

Absent—Excused

Dickson of Nolan	Sharpe
Leyendecker	Voigt
Martin	

Mr. Reed of Bowie offered the following amendment to the bill:

Amend House Bill No. 20, page 11, Section 20 (a), lines 14 and 15, by striking out the words and figures "for an operator's license, One (\$1.00) Dollar."

Mr. McNamara offered the following substitute for the amendment by Mr. Reed of Bowie:

Amend H. B. No. 20 by striking out the words and figures "One (\$1.00) Dollar" on page 11, line 15, and inserting in lieu thereof the following words and figures:

"Seventy-five Cents (75¢)."

McNAMARA,
DAVIS,
KENNEDY,
HILEMAN.

Mr. Kersey moved to table the substitute amendment by Mr. McNamara.

The motion to table was lost.

Question recurring on the substi-

tute amendment by Mr. McNamara, it was adopted.

Question then recurring on the amendment by Mr. Reed of Bowie, as substituted, it was adopted.

Mr. Harris of Dallas moved the previous question on the amendment by Mr. Reed of Dallas, on the Speaker's desk, and the engrossment of House Bill No. 20.

The main question was ordered.

Mr. Reed of Dallas offered the following amendment to the bill:

Amend H. B. No. 20, page 10, by adding at the end of Section 15 a new section to be known as Section 15-A, to read as follows:

"It is further provided that the compensation of all persons employed for the administration of this Act shall be in line with salaries paid other State officials and employees holding similar positions and doing similar work; and after August 31, 1943, all expenditures for the administration of this Act shall be in the amounts and for the purposes fixed by the Legislature in the General Appropriations Bill.

"At the end of any calendar year any unused portion of said funds in said special account shall be set over and paid into the General Revenue Fund."

REED of Dallas,
ALSUP.

Mr. McNamara offered the following substitute for the amendment by Mr. Reed of Dallas:

Amend H. B. No. 20 by striking out all on page 10 down to line 38, Section 19, and inserting in lieu thereof the following:

"All fees and charges required by this Act shall be placed in the General Revenue Fund and provided that no expenditures shall be made from said fund except under authority of the Legislature as set forth in the General Appropriation Bill and no appropriation shall ever exceed the fees and charges paid and collected under this Act."

On motion of Mr. Alsup, the substitute amendment by Mr. McNamara was tabled.

Question then recurring on the amendment by Mr. Reed of Dallas, it was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all charges and with the body of the bill.

House Bill No. 20 was then passed to engrossment.

HOUSE BILL NO. 20 ON THIRD READING

Mr. Kersey moved that the Constitutional Rule requiring bills to be read on three several days be suspended and that House Bill No. 20 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—132

Allen	Ellis
Allison	Eubank
Alsup	Evans
Anderson	Favors
Avant	Ferguson
Bailey	Files
Bean	Fitzgerald
Bell	Fuchs
Benton	Gandy
Blankenship	Gilmer
Boone	Goodman
Brawner	Halsey
Bray	Hanna
Bridgers	Hargis
Brown	Harris of Dallas
Bullock	Herris of Hill
Bundy	Hartzog
Burnaman	Heflin
Carlton	Helpinstill
Carrington	Henderson
Cato	Hileman
Celaya	Hobbs
Chambers	Howard
Clark	Howington
Cleveland	Hoyo
Coker	Huddleston
Colson, Mrs.	Huffman
Connelly	Hughes
Craig	Humphrey
Crosthwait	Hutchinson
Daniel	Isaacks
Deen	Jones
Dickson of Bexar	Kelly
Dove	Kennedy
Duckett	Kersey
Dwyer	Kinard

King
Knight
Lansberry
Lehman
Little
Lock
Love
Lucas
Lyle
McAlister
McCann
McDonald
McGlasson
McLellan
McMurry
Manford
Manning
Markle
Matthews
Mills
Montgomery
Moore
Morgan
Morris
Morse
Murray
Pace
Parker
Pevehouse
Phillips

Price
Rampy
Reed of Bowie
Reed of Dallas
Ridgeway
Roark
Roberts
Rhodes
Sallas
Senterfitt
Sharpe
Shell
Skiles
Smith of Bastrop
Smith of Atascosa
Spacek
Spangler
Stanford
Stinson
Stubbs
Taylor
Thornton
Turner
Vale
Walters
Wattner
Weatherford
White
Whitesides
Winfree

Nays—5

Baker	Donald
Burkett	McNamara
Davis	

Absent

Bruhl	Klingeman
Crossley	Lowry
Garland	Nicholson
Hardeman	Simpson

Absent—Excused

Dickson of Nolan	Martin
Leyendecker	Voigt

The Speaker then laid House Bill No. 20 before the House on third reading and final passage.

The bill was read third time.

Mr. Simpson offered the following amendment to the bill:

Amend by striking out Item 4, Subsection A of Section 25.

Mr. Smith of Atascosa moved the previous question on the pending amendment and the final passage of H. B. No. 20, and the main question was ordered.

Question recurring on the amendment by Mr. Simpson, it was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 20 was then passed by the following vote:

Yeas—127

Allen	Hanna
Allison	Hardeman
Alsup	Hargis
Anderson	Harris of Dallas
Avant	Harris of Hill
Bailey	Hartzog
Bean	Heflin
Bell	Helpinstill
Benton	Henderson
Blankenship	Hileman
Boone	Howard
Brawner	Hoyo
Bray	Huddleston
Bridgers	Huffman
Brown	Hughes
Bullock	Humphrey
Bundy	Hutchinson
Burnaman	Isaacks
Carlton	Jones
Carrington	Kelly
Cato	Kennedy
Celaya	Kersey
Chambers	Kinard
Clark	Knight
Cleveland	Lansberry
Coker	Lehman
Colson, Mrs.	Little
Connelly	Lock
Craig	Love
Crossley	Lucas
Crothwait	Lyle
Daniel	McAlister
Deen	McCann
Dickson of Bexar	McDonald
Dove	McGlasson
Duckett	McLellan
Dwyer	McMurry
Ellis	Manford
Eubank	Manning
Evans	Markle
Favors	Matthews
Ferguson	Montgomery
Files	Moore
Fitzgerald	Morgan
Fuchs	Morris
Gilmer	Morse
Goodman	Murray
Halsey	Pace

Parker	Smith of Atascosa
Pevehouse	Spacek
Phillips	Spangler
Price	Stanford
Rampy	Stinson
Reed of Bowie	Stubbs
Reed of Dallas	Taylor
Ridgeway	Thornton
Roark	Turner
Roberts	Vale
Rhodes	Walters
Sallas	Wattner
Senterfitt	Weatherford
Sharpe	White
Simpson	Winfree
Smith of Bastrop	

Nays—9

Baker	King
Davis	McNamara
Donald	Mills
Hobbs	Whitesides
Howington	

Absent

Bruhl	Lowry
Burkett	Nicholson
Gandy	Shell
Garland	Skiles
Klingeman	

Absent—Excused

Dickson of Nolan	Martin
Leyendecker	Voigt

Mr. Kersey moved to reconsider the vote by which H. B. No. 20 was passed, and to table the motion to reconsider.

The motion to table prevailed.

REASON FOR VOTE

We voted not to suspend the Rules to bring up for final passage House Bill No. 20 for the following reasons:

"The Act sets up another special fund. Provides for another tax-collecting agency. Authorizes the Department of Public Safety to arbitrarily set salaries for employees without restricting the number of employees or salary schedule. Further, the fees as set in the Act are much too high for the farmers and laborers."

BURKETT,
DONALD.

HOUSE BILL NO. 399 ON SECOND
READING

(By unanimous consent.)

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 399, A bill to be entitled "An Act authorizing eligible cities as defined herein to issue two classes of refunding bonds, providing the methods of paying and securing such bonds, enacting other provisions relating to the subject, making this Act cumulative of other laws, providing that it shall take precedence over other laws general or special, and all charter provisions in conflict or inconsistent herewith, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 399 ON THIRD
READING

Mr. Crossley moved that the Constitutional Rule requiring bills to be read on three several days be suspended and that House Bill No. 399 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—132

Allison	Coker
Alsup	Colson, Mrs.
Anderson	Connelly
Avant	Craig
Bailey	Crossley
Baker	Crothwait
Bean	Daniel
Bell	Davis
Benton	Deen
Blankenship	Dickson of Bexar
Boone	Donald
Brawner	Dove
Bray	Duckett
Bridgers	Dwyer
Brown	Ellis
Bullock	Evans
Bundy	Favors
Burkett	Ferguson
Carlton	Files
Carrington	Fitzgerald
Cato	Fuchs
Celaya	Gandy
Chambers	Gilmer
Clark	Goodman
Cleveland	Halsey

Hanna	Manning
Hardeman	Matthews
Hargis	Mills
Harris of Dallas	Montgomery
Harris of Hill	Moore
Hartzog	Morgan
Helpinstill	Morris
Henderson	Morse
Hileman	Murray
Hobbs	Nicholson
Howard	Parker
Howington	Pevehouse
Hoyo	Phillips
Huddleston	Price
Huffman	Reed of Bowie
Hughes	Reed of Dallas
Humphrey	Ridgeway
Hutchinson	Roark
Isaacks	Roberts
Jones	Rhodes
Kelly	Sallas
Kennedy	Senterfitt
Kersey	Shell
King	Simpson
Klingeman	Skiles
Knight	Smith of Bastrop
Lansberry	Smith of Atascosa
Lehman	Spacek
Little	Spangler
Lock	Stanford
Lowry	Stubbs
Lucas	Taylor
Lyle	Thornton
McAlister	Turner
McCann	Vale
McDonald	Walters
McGlasson	Wattner
McLellan	Weatherford
McMurry	White
McNamara	Whitesides
Manford	Winfree

Nays—5

Allen	Pace
Love	Stinson
Markle	

Absent

Bruhl	Heflin
Burnaman	Kinard
Eubank	Rampy
Garland	

Absent—Excused

Dickson of Nolan	Sharpe
Leyendecker	Voigt
Martin	

The Speaker then laid House Bill No. 399 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—132

Allison	Hileman
Alsup	Hobbs
Anderson	Howard
Avant	Howington
Bailey	Hoyo
Baker	Huddleston
Bean	Huffman
Bell	Hughes
Benton	Humphrey
Blankenship	Hutchinson
Boone	Isaacks
Brawner	Jones
Bray	Kelly
Bridgers	Kennedy
Brown	Kersey
Bullock	King
Bundy	Klingeman
Burkett	Knight
Carlton	Lansberry
Carrington	Lehman
Cato	Little
Celaya	Lock
Chambers	Lowry
Clark	Lucas
Cleveland	Lyle
Coker	McAlister
Colson, Mrs.	McCann
Connelly	McDonald
Craig	McGlasson
Crossley	McLellan
Crosthwait	McMurry
Daniel	McNamara
Davis	Manford
Deen	Manning
Dickson of Bexar	Matthews
Donald	Mills
Dove	Montgomery
Duckett	Moore
Dwyer	Morgan
Ellis	Morris
Evans	Morse
Favors	Murray
Ferguson	Nicholson
Files	Parker
Fitzgerald	Pevehouse
Fuchs	Phillips
Gandy	Price
Gilmer	Reed of Bowie
Goodman	Reed of Dallas
Halsey	Ridgeway
Hanna	Roark
Hardeman	Roberts
Hargis	Rhodes
Harris of Dallas	Sallas
Harris of Hill	Senterfitt
Hartzog	Shell
Helpinstill	Simpson
Henderson	Skiles

Smith of Bastrop	Turner
Smith of Atascosa	Vale
Spacek	Walters
Spangler	Wattner
Stanford	Weatherford
Stubbs	White
Taylor	Whitesides
Thornton	Winfree

Nays—5

Allen	Pace
Love	Stinson
Markle	

Absent

Bruhl	Heflin
Burnaman	Kinard
Eubank	Rampy
Garland	

Absent—Excused

Dickson of Nolan	Sharpe
Leyendecker	Voigt
Martin	

Mr. Crossley moved to reconsider the vote by which the bill was passed and to table the motion to reconsider.

The motion to table prevailed.

BILLS AND RESOLUTIONS SIGNED BY SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills and resolutions:

H. B. No. 328, "An Act authorizing the Commissioners Court in certain counties to allow each County Commissioner certain expenses in connection with the performing of the duties as road commissioner in addition to the duties as County Commissioner; providing for the payment of the same; and declaring an emergency."

S. B. No. 91, "An Act to declare and recognize for all tax purposes, post, camp or unit exchanges established and operated within the State of Texas, by or in conjunction with the United States Military Forces, instrumentalities and agencies of the United States, etc., and declaring an emergency and for other purposes."

H. C. R. No. 20, To grant Mrs. Gertrude Cabeen permission to sue the State.

H. C. R. No. 43, Authorizing the loan of certain highway equipment.

H. C. R. No. 48, Authorizing certain correction in H. B. No. 266.

ADJOURNMENT

On motion of Mr. McMurry, the House at 12:50 o'clock p. m. adjourned until 10:00 o'clock a. m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolution, as follows:

Counties: H. B. Nos. 68, 144, 356, 357, 393, 397, 408, 409, 424, 436, 442 and 447; S. B. Nos. 101 and 104.

Education: H. B. Nos. 240, 340, 341 and 342.

Oil, Gas and Mining: H. B. No. 163.

State Affairs: H. C. R. No. 45.

Game and Fisheries: H. B. Nos. 412, 417, 430, 439 and 461; S. B. No. 28.

The Committee on Agriculture filed an adverse report with a minority favorable report on House Bill No. 136.

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, February 24, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 48, Authorizing the Enrolling Clerk to make necessary insertion in House Bill No. 266.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Austin, Texas, February 25, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 328, "An Act authoriz-

ing the Commissioners Court in certain counties to allow each County Commissioner certain expenses in connection with the performing of the duties as road commissioner in addition to the duties as County Commissioner; providing for the payment of the same; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

MURRAY, Vice Chairman.

Austin, Texas, February 24, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 20, Granting Mrs. Gertrude Cabeen permission to sue the State of Texas.

Has carefully compared same and finds it correctly enrolled.

MURRAY, Vice Chairman.

Austin, Texas, February 25, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 48, Giving Enrolling Clerk authority to make insertion in House Bill No. 266.

Has carefully compared same and finds it correctly enrolled.

MURRAY, Vice Chairman.

Austin, Texas, February 25, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 43, Authorizing the State Highway Department to loan to the School Board of the Nocona Independent School District enough discarded guard rails to properly protect three thousand (3,000) lineal feet of the athletic field at Nocona.

Has carefully compared same and finds it correctly enrolled.

MURRAY, Vice Chairman.

SENT TO THE GOVERNOR

February 25, 1941

House Bill No. 328.

House Concurrent Resolution No.

In Memory of
Mr. H. G. "Hy" Rodgers

Mr. Daniel offered the following resolution:

H. S. R. No. 132, In Memory of Mr. H. G. "Hy" Rodgers.

Whereas, On the 21st day of February, 1941, H. G. "Hy" Rodgers was called from his earthly home, having met his death by reason of an automobile accident while driving from Houston to his home in Liberty, Texas; and

Whereas, Mr. Rodgers was one of the pioneer oil drillers of the State of Texas, having worked in the development of many of the early Texas oil fields, and was for many years prior to his death engaged in the independent oil business; and was a loyal and devoted citizen of Liberty County, having taken interest and activity in the public affairs and general welfare of his community and in his fellow citizens; and

Whereas, "Hy" Rodgers was above all a true and loyal friend, with a genial nature and kind character, which will cause him to be sincerely missed by the citizens of his county and his State; now

Therefore be it resolved, by the Texas House of Representatives, That a copy of this resolution be spread upon a memorial page of the House Journal today in memory of a worthy citizen, and that the Chief Clerk forward a copy of this resolution to the family of our deceased friend to express the sympathy of the Texas House of Representatives and our sorrow in the loss of our loyal citizen and friend, "Hy" Rodgers.

The resolution was read second time and was unanimously adopted by a rising vote.